

REMARKS

The Office Action of January 24, 2005 states that the amendment to the claims filed on 10/29/04 does not comply with the requirements of 37 CFR 1.121 (c) because the status identifier for claim 26 is "previously presented", but the claim includes markings to show changes. The Status identifier should be changed to "currently amended".

Applicants change the status identifier of claim 26 from „previously presented“ to „currently amended“.

The Office Action continues that claim 28 has the status identifier "currently amended", but there are no markings to show any changes. It is unclear if the status identifier is incorrect or if the amendment to the claim was inadvertently omitted.

Applicants amends the status identifier of claim 28 to „previously presented“.

The Office Action further states that the claim listing must commence on a separate sheet of the amendment document that does not contain any other part of the amendment.

Applicants comply herewith with the above-stated requirements and list all claims on the separate pages.

The Office Action asserts that amendments to the claims filed on or after July 30, 2003 must comply with 37 CFR 1.121 (c) which states:

(c) Claims. Amendments to a claim must be made by rewriting the entire claim with all changes (*e.g.*, additions and deletions) as indicated in this subsection, except when the claim is being canceled. Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete listing of all claims ever presented, including the text of all pending and withdrawn claims, in the application. The claim listing, including the text of the claims, in the amendment document will serve to replace all prior versions of the claims, in the application. In the claim listing, the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered).

(1) Claim listing. All of the claims presented in a claim listing shall be presented in ascending numerical order. Consecutive claims having the same status of "canceled" or "not entered" may be aggregated into one Statement (*e.g.*, Claims 1-5 (canceled)). The claim listing shall commence on a separate sheet of the amendment document and the sheet(s) that contain the text of any part of the claims shall not contain any other part of the amendment.

(2) When claim text with markings is required All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of "currently amended," and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted

characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. Only claims having the status of "currently amended," or "withdrawn" if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as "withdrawn-currently amended."

(3) *When claim text in clean version is required.* The text of all pending claims not being currently amended shall be presented in the claim listing in clean version, i. e., without any markings in the presentation of text. The presentation of a clean version of any claim having the Status of "original," "withdrawn" or "previously presented" will constitute an assertion that it has not been changed relative to the immediate prior version, except to omit markings that may have been present in the immediate prior version of the claims of the status of "withdrawn" or "previously presented." Any claim added by amendment must be indicated with the status of "new" and presented in clean version, i.e., without any underlining.

(4) *When claim text shall not be presented; canceling a claim.*

(i) No claim text shall be presented for any claim in the claim listing with the Status of "canceled" or "not entered."

(ii) Cancellation of a claim shall be effected by an instruction to cancel a particular claim number. Identifying the Status of a claim in the claim listing as "canceled" will constitute an instruction to cancel the claim.

(5) *Reinstatement of previously canceled claim.* A claim which was previously canceled may be reinstated only by adding the claim as a "new" claim with a new claim number.


Applicants have revised the Amendment filed on October 29, 2004 to comply with the above-stated requirements.

The Office Action concludes that since the reply filed on 10/29/04 appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to submit an amendment in compliance with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Applicant encloses form PTO-2038 authorizing the Commissioner to charge the extension for response within first month to the undersigned attorney's credit card.

Reconsideration of all outstanding rejections is respectfully requested. All claims as presently submitted are deemed to be in form for allowance and an early notice of allowance is earnestly solicited.

Respectfully submitted,
Manrico Paulitschke et al.

By: 
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